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HOUSE BILL 14

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO TORT CLAIMS; INCREASING THE MAXIMUM LIABILITY AMOUNTS FOR CERTAIN CLAIMS AGAINST A GOVERNMENTAL ENTITY OR PUBLIC EMPLOYEE PURSUANT TO THE TORT CLAIMS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 41-4-19 NMSA 1978 (being Laws 1976, Chapter 58, Section 17, as amended) is amended to read:

"41-4-19. MAXIMUM LIABILITY.--

A. Unless limited by Subsection B of this section, in any action for damages against a governmental entity or a public employee while acting within the scope of ~~[his]~~ the employee's duties as provided in the Tort Claims Act, the liability shall not exceed:

(1) the sum of ~~[one hundred thousand dollars~~ three hundred thousand dollars (~~\$100,000~~) (\$300,000) for damage

underscored material = new
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1 to or destruction of property arising out of a single
2 occurrence; ~~[and]~~

3 (2) the sum of three hundred thousand dollars
4 (\$300,000) for all past and future medical and medically
5 related expenses arising out of a single occurrence; and

6 (3) the sum of four hundred thousand dollars
7 (\$400,000) to any person for any number of claims arising out
8 of a single occurrence for all damages other than property
9 damage and medical and medically related expenses as permitted
10 under the Tort Claims Act ~~[or~~

11 ~~(4) the sum of seven hundred fifty thousand~~
12 ~~dollars (\$750,000) for all claims other than medical or~~
13 ~~medically related expenses arising out of a single occurrence].~~

14 B. The total liability for all claims pursuant to
15 Paragraphs (1) and (3) of Subsection A of this section that
16 arise out of a single occurrence shall not exceed the sum of
17 nine hundred fifty thousand dollars (\$950,000).

18 C. On July 1, 2008 and on July 1 of each successive
19 year, the liability amounts provided in Subsections A and B of
20 this section shall be adjusted by the annual percentage
21 increase between the next preceding calendar year and the
22 preceding calendar year of the consumer price index for all
23 urban consumers, United States city average for all items,
24 published by the United States department of labor. The risk
25 management division of the general services department shall

.163214.1

1 publish by June 1 of each year the adjusted liability amounts
2 that shall take effect the following July 1.

3 ~~[B-]~~ D. Interest shall be allowed on judgments
4 against a governmental entity or public employee for a tort for
5 which immunity has been waived under the Tort Claims Act at a
6 rate equal to two percentage points above the prime rate as
7 published in the *Wall Street Journal* on the date of the entry
8 of the judgment. Interest shall be computed daily from the
9 date of the entry of the judgment until the date of payment.

10 ~~[E-]~~ E. No judgment against a governmental entity
11 or public employee for any tort for which immunity has been
12 waived under the Tort Claims Act shall include an award for
13 exemplary or punitive damages or for interest prior to
14 judgment."

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